

UNITED STATES OF AMERICA,) DOCKET NO. 3:10-CR-238
)
Plaintiff,)
)
vs.)
)
PARKER ANTRON COLEMAN,)
)
Defendant.)
)

P R O C E E D I N G S

JANUARY 22, 2014, COURT CALLED TO ORDER 9:00 a.m.:

THE COURT: Good morning, everyone. We're here in the matter of United States V Parker Coleman for sentencing. Are the parties ready to proceed?

MR. KAUFMAN: Yes, Your Honor.

MR. AUS: Yes, Your Honor.

THE COURT: Very well. Mr. Coleman was found guilty by a jury on August 16th of last year, and after that his case was referred to the Federal Probation Department for the purpose of preparing a presentence report. I've received and reviewed that report. I have a few questions for Mr. Coleman with respect to the presentence report, so Mr. Coleman would you please stand.

DEFENDANT COLEMAN: (Complies.)

THE COURT: Have you had a chance to review the presentence report?

DEFENDANT COLEMAN: Yes.

THE COURT: Do you believe you understand it?

DEFENDANT COLEMAN: Yes, sir.

THE COURT: Have you had enough time to go over the presentence report with your attorney?

DEFENDANT COLEMAN: (Nodding head.)

THE COURT: All right. You may sit down.

Mr. Aus, I'll be glad to hear from you on any

1 objections to the presentence report.

2 MR. AUS: Thank you, Your Honor. Good morning.

3 THE COURT: Good morning.

4 MR. AUS: Your Honor, basically the nature of the
5 objections are more of a preservation matter, given what the
6 verdict was with the jury in this particular matter.

7 However, a couple points I would just make for the
8 record, if I may at this point.

9 One matter that just came up this morning talking
10 with Mr. Coleman has to do with his paragraph 75 of page 20.
11 It does not affect the guideline calculations, but what
12 Mr. Coleman indicates to me is that he believes that the
13 correct caption of that -- although he was charged with what
14 was possession with intent to sell or deliver, that
15 effectively he pled guilty to what was more or less a simple
16 possession charge, and just ask that that be reflected in the
17 report. But again, it does not -- given what the 10 years,
18 suspended 9 years that were suspended, it still winds up being
19 two criminal history points.

20 THE COURT: I see. Does the government or the
21 probation office have a copy of the judgment?

22 MR. KAUFMAN: I do, Your Honor.

23 THE COURT: I'll defer finding on that, and when you
24 find it, let's go ahead and make it an exhibit to this
25 sentencing hearing.

1 MR. AUS: That will be fine. Thank you, Your Honor.

2 THE COURT: It will speak for itself.

3 MR. AUS: Your Honor, besides that, the only other
4 issue, and we recognize that the law is against us, paragraphs
5 58 and 59 of the presentence report, which that's going to
6 be --

7 THE COURT: The jump for money laundering?

8 MR. AUS: No, actually, Your Honor, that should be
9 the firearms, the two level jump for that.

10 THE COURT: I see.

11 MR. AUS: Basically, it was our contention that --

12 MR. KAUFMAN: Your Honor, by the way, on the issue
13 of the certified record conviction, I have what was marked as
14 Government's Exhibit 12 for identification at trial. We
15 submitted a 12a which was a redacted format. If I can tender
16 that to the Court?

17 THE COURT: Yes. You may approach. I would like to
18 see it. Thank you.

19 MR. KAUFMAN: (Handing paper writing to the Court.)

20 THE COURT: All right.

21 MR. AUS: And, Your Honor, just as to paragraph 58,
22 just to reiterate what we just discussed as to the judgment.
23 And then paragraph 59 is the -- involving three or more
24 firearms. One of the things that I raised as objection for
25 the record, is that, I do not believe the jury found

1 specifically which firearms were involved. However, I
2 understand though, pursuant to the Fourth Circuit precedent in
3 *U.S. versus Camps*, which is 32 F.2d. -- or actually F.3d. 102,
4 1994, that pretty much takes care of that issue. But I just
5 raise it for the record.

6 THE COURT: Very well.

7 MR. AUS: Outside of that, Your Honor, there's
8 nothing else, quite frankly, outside of what we've already
9 dealt with, which I again reiterate our preservation issues
10 regarding the calculations of the guidelines. I would like to
11 be heard though when Your Honor is ready about possible
12 variance in this case.

13 THE COURT: I'd like to ask the government about
14 paragraphs 46 and 47, the adjustments under 2D1.1 for threat
15 and for premise maintenance. Whether or not those adjustments
16 were in effect at the time that the offenses were committed,
17 and if not, whether they ought to be considered in today's
18 sentencing hearing; Mr. Kaufman.

19 MR. KAUFMAN: Your Honor, I -- off the top of my
20 head. I don't know when revisions were made to the U.S.
21 Sentencing Guidelines with regard to these. I know that
22 maintaining was a relatively recent offense -- sorry, specific
23 offense characteristic that was added.

24 THE COURT: They do these books by color to help
25 judges who can't remember things. And when I looked up the

1 November 2010 Guideline, it's one of the darker green colors,
2 and it didn't seem to me to be in effect in that Guideline,
3 which probably means that prior to that it wasn't in effect.
4 So that anything before November, I guess, of 2011, would be
5 covered by that book. I don't see those adjustments in 2D1.1
6 in November of 2010.

7 MR. KAUFMAN: Your Honor, I am right now going to
8 the sentencing commission's website and --

9 THE COURT: Which thankfully is back up.

10 I think what I'll do, Mr. Kaufman, conclude
11 tentatively that they weren't in effect in November 2010, and
12 therefore ought not to be considered as part of the guideline
13 calculation today.

14 If anything -- if you, during the course of this
15 hearing, glean anything else you want me to consider, I'll
16 reopen that for reconsideration.

17 But it appears to me that these were adjustments
18 that came in the wake of the Fair Sentencing Act, and came
19 into effect after the offense conduct set forth in the
20 presentence report. And therefore, tentatively, I'm
21 making the -- for purposes of consulting the advisory
22 guidelines, I'm not going to include the threat or the
23 premises adjustment.

24 And so that would change the calculations in
25 paragraph 46 and 47, and any calculations that rely upon those

1 paragraphs.

2 And I think at the end of the day what it does, is,
3 reduces the offense level to -- total offense level of 40 from
4 a 44.

5 A offense level 40, criminal history category III,
6 still results in a advisory sentencing range of 360 months to
7 life. And those are the guidelines the Court will consult for
8 purposes of this sentencing.

9 Having made those guideline determinations, I'll be
10 glad to hear from you, Mr. Aus, on behalf of Mr. Coleman.

11 MR. AUS: Thank you, Your Honor.

12 First of all, Your Honor, I would like to point out
13 this morning that Mr. Coleman's family has appeared in court.

14 Would you please stand. These are family members
15 who I understand are his mother, his father and some other
16 family. Thank you. You may sit down.

17 As a show of support, but also the support that is
18 out there for him.

19 Your Honor, certainly we're asking the Court, first
20 of all, even though Your Honor has found this range to be a
21 40, that if the Court would consider, based on my arguments as
22 contained within our objections, that a more appropriate level
23 would be a level 34, history category III, which would be 188
24 to 235 months, of course subject to the minimum mandatory
25 terms of imprisonment 20 years, because of the 21 U.S.C. 851

1 notice being filed.

2 Your Honor, if I may, as far as -- I'm asking the
3 Court, in spite of all this, to consider a downward variance
4 in this particular matter.

5 What we have is basically a young man here who faces
6 obviously a -- lots and lots of time. And I'd ask the Court
7 to consider under 18, U.S.C. 3553(a), to impose a sentence
8 that is sufficient but not greater than necessary under the
9 circumstances.

10 Now, Your Honor, granted I have the disadvantage of
11 not hearing everything that happened in this case before I got
12 involved in it. But one of the things that strikes me is that
13 what we have are two mandatory sentences already in effect.

14 We have, because of the 851 notice and the verdict,
15 we are looking at, at least 20 years right there minimum
16 mandatory as Congress mandates. Then we have the 924(c)
17 matters, that the jury has found Mr. Coleman to be guilty of.

18 And when we take those altogether, we have a minimum
19 mandatory sentence of 50 years, on a man who right now is,
20 basically, he is 28 years old. So he would be in his mid 70s,
21 before we even be looking at any kind of post-supervision
22 relief for this young man.

23 Now, given that's already a horrible waste of a
24 life, one thing that I ask the Court to consider is a lot of
25 this is driven by, of course, marijuana. And what I've tried

1 to include in the motion for a downward variance in this
2 matter, is that we had a dramatic change in the way society
3 views marijuana possession and usage, to the point now where
4 for the first time it appears according to the Brookings
5 Institute Report that I've included in here, is that the
6 country's attitude toward marijuana has got to the point where
7 it really is -- it's on the verge of becoming either legal or
8 absolutely decriminalized throughout the country.

9 It has not happened yet, but even the Department of
10 Justice recognizes that to some extent. Granted, not for
11 matters such as drug trafficking, but DOJ, from what I
12 understand, I've included the memorandum in there as an
13 attachment, is basically backing off of any enforcement of
14 states such as Colorado and New Jersey, or other states where
15 marijuana -- recreational marijuana may be coming in.

16 So given that, Your Honor, we're at a point or a
17 cusp in, I think, our criminal justice system now, where I
18 would argue to Your Honor that the public does not expect such
19 severe sentences as 360 to life for marijuana. That puts it
20 in the same level as murder, for example, Your Honor, and
21 violent crimes.

22 Now, granted, he was found guilty of 924(c)s, but we
23 still have the marijuana. And because of that, Your Honor,
24 I'm asking Your Honor to consider in your discretion, and
25 given the surrounding circumstances and pursuant to 3553(a),

1 that this would be a sentence of 50 years, that is the
2 mandatory minimum -- and of course without conceding guilt in
3 this case -- but those mandatory minimums are sufficient and
4 are probably more than necessary but at this point given the
5 standards we have to operate under, that would be the
6 necessary sentence for someone that is in Mr. Coleman's
7 situation at this point.

8 THE COURT: What -- what 3553(a) factor would be
9 affected by your legalization or public perception argument?

10 MR. AUS: I would suggest, Your Honor, it would be
11 the factor to reflect the seriousness of the offense, to
12 promote respect for the law, and to provide just punishment
13 for the offense. I would say that would be certainly where
14 that would fall under with the way the attitudes are changing.

15 As to the other aspect, Your Honor, I would also
16 argue to you under subsection 2c, that a 50-year sentence, the
17 mandatory minimums are more than sufficient to protect the
18 public by any further perceived crimes that Mr. Coleman would
19 commit.

20 Quite frankly, given what he's looking at, he would
21 be lucky, it would seem, even with a 50-year sentence if he
22 survives that in prison. And I would argue to Your Honor that
23 under those circumstances, that would be appropriate.

24 THE COURT: Seems like the argument could be made
25 that in some respects the attitude towards gun possession is

1 in flux in the various states, and the different states have
2 different gun legislation. But yet the federal law is uniform
3 across the country.

4 And so, even though some states have gun legislation
5 that is more restrictive or less restrictive, when someone
6 uses or carries a firearm in violation of federal law, the
7 punishment is not effective.

8 It seems like -- your argument is that in a couple
9 of states, certain forms of marijuana usage is tolerated. But
10 I don't think any of those states and I don't think the
11 federal law has moved in that area in any way with respect to
12 marijuana trafficking, which is the crime that brings
13 Mr. Coleman before this court.

14 The trafficking conduct, seems to me, would be
15 illegal under existing law, and would also be illegal under
16 some future state of the law in which marijuana possession and
17 use is in some form legalized.

18 And so I don't know -- I'm not -- I'm not following
19 you across the bridge from the fact that some states are
20 enacting more permissive legislation as to use of marijuana,
21 connecting that to the trafficking conduct that is involved
22 here.

23 MR. AUS: Sure. And I agree with what you're saying
24 to some point, Your Honor. I think the distinction, first of
25 all, between firearms and marijuana, is that DOJ has not taken

1 a back-off attitude toward crimes involving firearms, and
2 that's certainly crimes of violence.

3 On the other hand, DOJ's policy from, as I
4 understand it, is, they're not backing off of drug
5 trafficking. That being said, one of the problems that we
6 have is, we have this drug -- this war against drugs that's
7 been going on -- which quite frankly, I would submit to Your
8 Honor is a complete failure, to a certain degree. We're
9 taking especially a large proportion of lower class poor
10 people and locking them up.

11 With that being said, what we're doing is, we have
12 an underground economy that appears to be rising to the
13 legitimate legal level. Which if this becomes the law across
14 the country, there's going to be, like the prohibition. You
15 knock out the mob. You knock out all of the underpinnings and
16 trafficking is not going to be an issue anymore because it
17 will be regulated and sold. That hasn't happened yet, I agree
18 with you there, Your Honor.

19 But what I'm arguing at this point is, we've gone
20 from, according to Brookings, from a vast majority of the
21 country saying, no, no, this is horrible. Marijuana is bad.
22 It needs to be illegal. People need to go to prison. To now
23 it's like, well, I may not like it, but it shouldn't have the
24 stigma attached to it.

25 Once that leaves, you knock out the underpinnings,

1 again, which is the criminal activity that goes along with
2 trafficking.

3 But that would be basically -- I think that's about
4 as far as I could take it. But I do recognize the fact, Your
5 Honor, that we're talking of possession versus trafficking, is
6 the point.

7 THE COURT: One of the things that struck me as I
8 sat and listened to the evidence in this case is just how many
9 lives were destroyed when they came in contact with
10 Mr. Coleman. You have a young woman who's working in a store
11 at the South Park Mall, meets Mr. Coleman, gives up the
12 legitimate occupation and becomes a drug courier. You have
13 another woman who's a secretary for a lawyer here in town, and
14 then works in the clerk's office, and then becomes a probation
15 officer, ultimately Mr. Coleman's probation officer, meets him
16 comes, under his influence, becomes a drug courier, now in
17 prison.

18 It seems that the destructive behavior in this case
19 went far beyond the marijuana trafficking itself, and it just
20 reeked havoc. One person came in as a painter, and left as a
21 gun trader and is in federal prison.

22 And it just -- one witness after another, they meet
23 Mr. Coleman, and they wind up in federal prison.

24 And it seems that his conduct went far beyond even
25 the trafficking and laundering convictions that the jury found

1 him guilty of. And I think my sentence has to, in some way,
2 reflect the totality of that impact.

3 MR. AUS: Certainly, Your Honor. If I may, the
4 observation, again, doing this secondhand is that these were
5 voluntary acts by people that they weren't forced into this
6 No. 1.

7 And again, I've got to wonder, if we didn't have
8 these prohibitions like we did against alcohol, that we
9 wouldn't have this destruction.

10 And so given all that, I understand Your Honor has
11 to fashion a sentence that is sufficient. But I also looked
12 at this that we're basically -- we're taking this young man
13 and throwing his life away by basically saying, son,
14 regardless, you're going to do 50 years. You're going to be
15 in your 70s before you can get out. And given that, I say
16 that takes him out of the picture completely. That's what I'm
17 asking the Court to consider.

18 THE COURT: Thank you.

19 MR. AUS: Thank you, sir.

20 THE COURT: I understand your arguments, and I will
21 take them into consideration.

22 MR. AUS: Thank you.

23 THE COURT: Mr. Coleman, you don't have to say
24 anything, but if there's anything you wish to tell me I'll be
25 glad to hear from you.

1 DEFENDANT COLEMAN: Yes. Just today for the record
2 I'm claiming my position as an occupant of the executive
3 office to the Parker Antron Coleman estate. The terms I want
4 met on closing the certified document with copies already sent
5 to the Office of the United States Court Administrator, U.S.
6 Attorney General Anne M. Tompkins and yourself. You should be
7 receiving a letter from the director himself regarding these
8 matters, because no one has the handwritten delegated
9 authority to administer my estate. That's about it. If you
10 want to give him a copy.

11 THE COURT: I'll be glad to receive, Mr. Aus,
12 whatever Mr. Coleman wishes me to review.

13 MR. AUS: May I approach, Your Honor?

14 THE COURT: You may.

15 MR. AUS: (Handing paper writing to the Court.)

16 THE COURT: Thank you.

17 Mr. Kaufman.

18 MR. KAUFMAN: Thank you, Your Honor.

19 We submit that in this case a variance is not
20 appropriate. I would submit, based on the surrounding
21 circumstances of this case, that we would submit that Your
22 Honor should consider that high end of the range.

23 THE COURT: The strongest argument for a variance in
24 my mind is that 50 years is enough. If you want to tell me
25 why 50 years is not enough to accomplish the 3553(a) factors.

1 MR. KAUFMAN: Well, Your Honor, obviously the
2 guidelines are advisory, Your Honor can go down to 50 years.
3 But what's that doing is rejecting the guidelines as
4 sufficient but not greater than necessary in this case. I
5 don't believe that the facts of this case merit something less
6 than what the guidelines --

7 THE COURT: The guidelines, if it were just a pure
8 guideline analysis, I think -- I think I would be less
9 persuaded.

10 But here we have the guidelines plus, not one, but
11 two 924(c) enhancements. The first one is five, the second
12 one is 25. And it seems that the 25 does impact the 3553(a)
13 factor of protection.

14 If Mr. Coleman is going away for 30 years for two
15 guns, before you even get to the guideline argument, that
16 seems to be a different argument than rejecting the guidelines
17 out of hand.

18 MR. KAUFMAN: Well, Your Honor, I don't believe that
19 there's anything right now but that the second 924(c) might be
20 in play at some point, and it could enure to Mr. Coleman's
21 benefit. And so whatever sentence Your Honor gives for the
22 drug trafficking, may have much more significance for his
23 overall sentence.

24 So I want to look at what the law is now, but at the
25 same time I can't ignore that there may be a movement that

1 could impact it.

2 THE COURT: There's no way under the law of running
3 things in a way that would accomplish both of those purposes.

4 MR. KAUFMAN: I understand what you're saying, Your
5 Honor, because of the consecutive nature of the 924(c)s to any
6 other charge including the drug trafficking.

7 THE COURT: To each other and to that -- yeah.

8 MR. KAUFMAN: I understand, Your Honor.

9 I guess -- you know, I was nodding to myself as Your
10 Honor pointed out the noxious nature of basically coming into
11 contact with Mr. Coleman. Your Honor was referring to
12 Nastasha Rodriguez, to Stephanie peppers. We know that
13 Shaunda McAdoo -- I mean numerous -- and these are just some
14 of the witness names. There are also even his own relatives,
15 Kevin Stanfield, his cousin. It didn't matter who it was.
16 And lives have been destroyed. That goes beyond just the
17 harmful effects of marijuana. I don't think that anybody in
18 this room would say that marijuana has no detrimental impact
19 on society or individuals here.

20 And I would say that the Brookings Report, and any
21 trends right now, that argument is actually diminished by the
22 same reason that he's not being accountable under the
23 guidelines for the acts of violence, for the maintaining the
24 dwelling. So it weakens the point even more, because he's
25 looking back at guidelines from over three years ago.

1 I would submit that -- I would like to focus on that
2 factor for a moment, the violence.

3 Your Honor, after Mr. Coleman was stopped -- well,
4 after his house was searched on November 2nd, 2010, all the
5 people were being stopped, there was Jerry Davis leaving,
6 there was Shaunda McAdoo, with Mr. McKneely and Mr -- the
7 three people in the vehicle that were leaving with the \$25,000
8 or so in cash, Mr. Davis, that after that point in time, he
9 and Ms. McAdoo went to Club Ice to essentially threaten Jerry
10 Davis through his brother who worked at the club.

11 Additionally, as we noted in our initial 404(b)
12 motion, there was an incident on November 12, 2008 -- or at
13 least that's the date of the report, I should say, and I think
14 that was the date of the incident -- when Mr. Coleman,
15 according to this report, was with Mr. Davis. There was a
16 disagreement about a small drug debt, I think it was only
17 \$800. But the allegation is that Mr. Coleman shot into the
18 dwelling he believed to belong to the person with whom he was
19 having that argument. It turned out that that person had
20 left, but Mr. Coleman was identified as a suspect in that
21 case. So we have a violence issue.

22 We also know that these firearms -- Mr. Aus was
23 referring to the three or more firearms. Well, it was the one
24 firearm that was in his residence on the November 2nd date.
25 And then upon his arrest two weeks later on November 16th,

1 that secret compartment that he had in the Porsche Cayenne
2 behind the passenger seat where he had two more firearms.

3 We know that he was purchasing firearms from
4 Mr. Hunt, the painter that Your Honor referred to.

5 And he was also disposing of weapons through
6 Ms. Peppers, prior to her becoming a cooperator in his case.

7 So there is violence, there's also another element
8 of danger. He was facilitating trafficking through the
9 commercial airlines.

10 When I think about this case, I can say to myself,
11 thank God they were not sending bombs. They were
12 circumventing security to get the marijuana onto the planes.
13 And if he had any kind of terroristic plans, they could just
14 as easily, without any screening, have put a bomb onto the
15 planes. That part of the case horrified me when I learned
16 that was happening there.

17 Your Honor, I understand what you're saying, 50
18 years is enough, or arguably is enough.

19 THE COURT: I'm saying that's the argument.

20 MR. KAUFMAN: Arguably, exactly, Your Honor. And I
21 just -- I just believe that based on the wreckage that is in
22 his wake, friends, family, strangers, the lives that were
23 destroyed, the level of trafficking here, the level of harm to
24 the overall community, and the very real danger that he posed
25 and poses, in light of his limited allocution here today here,

1 Your Honor, that, Your Honor, the guideline sentence, and I
2 suggest possibly the life on the drugs is sufficient but not
3 greater than necessary.

4 THE COURT: Thank you.

5 Mr. Coleman, if you would please stand.

6 DEFENDANT COLEMAN: (Complies.)

7 THE COURT: I have reviewed the information
8 contained in the presentence report as our conversation has
9 indicated. I very distinctly remember the evidence in the
10 case.

11 I've consulted the advisory guidelines, I've made
12 the guideline rulings that I have, and I've listened to the
13 arguments of the attorneys, and considered exhibits that have
14 been submitted today, the judgment conviction that is
15 reflected in Government's Exhibit 12 from trial, and the
16 statement that Mr. Parker has tendered to me concerning --
17 well, I'm not sure what it's concerning, really. But the
18 directive sent to the Administrative -- the director of the
19 Administrative Office of the Courts. I've considered all of
20 that and am prepared to state a sentence.

21 Pursuant to the Sentencing Reform Act of 1984, it is
22 the judgment of the Court, having considered the factors noted
23 in 18, United States Code, Section 3553(a), that the
24 Defendant, Parker Antron Coleman, is hereby committed to the
25 custody of the United States Bureau of Prisons to be in prison

1 for a term of 30 years on Count One; 240 months concurrent on
2 Count Two; 120 months concurrent on each of Counts Three, Five
3 and Seven; 60 months consecutive on Count Four; and 300 months
4 consecutive on Count Six, for a total term of 60 years.

5 A sentence of 60 years is the low end of the
6 advisory guideline. It is 10 years higher than the mandatory
7 minimum -- application of the mandatory minimums in this case.

8 It takes into consideration the 3553(a) sentencing
9 factors, and is deemed by the Court to be sufficient, but not
10 greater than necessary to accomplish those factors, including
11 the need for the imposed sentence to reflect the seriousness
12 of the offense, promote respect for the law, just punishment,
13 adequate deterrence, and to protect the public from further
14 crimes of the defendant.

15 It takes into account the very serious nature of the
16 underlying criminal activity.

17 Mr. Aus makes a strong argument that the mandatory
18 minimum time is sufficient, especially in light of trends,
19 public trends with respect to issues related to marijuana, as
20 well as public perception arguments, and DOJ policy arguments.

21 The Court has seriously considered those arguments,
22 but believes that notwithstanding those trends to the extent
23 they exist, Mr. Coleman's conduct in the instant case, leading
24 a coast-to-coast marijuana trafficking ring, which involved
25 the transportation of hundreds of pounds of marijuana at a

1 time, back and forth, from California to North Carolina, and
2 hundreds of thousands of dollars going the other way, being
3 laundered through banks, being used in a way that has such
4 destructive impact, both in terms of spreading marijuana
5 throughout our community, but also destroying the lives of
6 those Mr. Coleman touched.

7 His leadership of this multi-defendant, multi-state
8 trafficking organization, the attempts made both to manipulate
9 testimony, and to doctor evidence in terms of trying to avoid
10 criminal liability for these charges, the corporation of TSA
11 officials, the obstructive conduct.

12 The fact that all of that was done after Mr. Coleman
13 had previously been convicted of a felony offense, served jail
14 time, and then returned to drug trafficking, convinces the
15 Court that taking into account the 3553(a) factors, including
16 the need to avoid unwarranted sentencing disparity, that
17 Mr. Coleman should be treated, and will be treated by this
18 Court as a recidivist marijuana trafficker, who led this
19 Charlotte end of this very serious trafficking organization.

20 The Court recommends that Mr. Coleman be allowed to
21 participate in any educational and vocational programs while
22 incarcerated. And calls to the attention of the custodial
23 authorities, that Mr. Coleman has a history of substance abuse
24 and recommends that he be allowed to participate in any
25 available substance abuse treatment program, and if eligible,

1 receive the benefits of 18, United States Code, Section
2 3621(e)(2).

3 Upon release from imprisonment, the defendant is to
4 be subjected to a five-year term of supervised release. This
5 term consists of five years on Counts One, Four and Six, and
6 three years on Counts Two, Three, Five and Seven; all terms to
7 run concurrently.

8 Within 72 hours of release from the custody of the
9 Bureau of Prisons, the defendant shall report in person to the
10 probation office in the district to which he is released.

11 While on supervised release, the defendant shall not commit
12 another federal, state or local crime. And shall comply with
13 the standard conditions that have been adopted by the Court in
14 the Western District of North Carolina.

15 It is further ordered that the defendant pay to the
16 United States a special assessment of \$700, due and payable
17 immediately.

18 The Court finds that the defendant does not have the
19 ability to pay a fine or interest, the Court will waive
20 payment of a fine and interest in this case.

21 Mr. Kaufman, with respect to forfeiture, does the
22 government have anything additional to add that it wishes to
23 be included in the judgment in this case?

24 MR. KAUFMAN: Your Honor, I was just checking with
25 the case agents about that. There are various items that are

1 directly linked to Mr. Coleman to include some money from --
2 July of 2010, which we believe has been administratively
3 forfeited. We're not sure about the items from the
4 November 2nd, 2010 seizure.

5 THE COURT: I'm going to order as part of this
6 judgment, that any interest the defendant has in any seized
7 property, shall be forfeited.

8 Other than what we've already discussed, is there
9 any legal reason why the sentence should not be imposed as
10 stated?

11 MR. KAUFMAN: Your Honor, I believe because of the
12 851 enhancement, that the supervised release provision is at
13 least 10 years. It's doubled from the five years.

14 THE COURT: Ms. Samuels, what do you say with
15 respect to that proposition?

16 PROBATION OFFICER: He's correct, Your Honor.

17 THE COURT: All right. So with respect to the
18 imposition of supervised release on Count One and Count Three.

19 MR. KAUFMAN: For Count One, that would be 10 years,
20 Your Honor. For Count Three it would double whatever the
21 otherwise applicable statutory provision would be.

22 THE COURT: Ms. Samuels, can I see you at the bench?

23 PROBATION OFFICER: (Complies.)

24 THE COURT: All right. So with respect to Count
25 One, where I said a five-year term of supervised release, I'll

1 amend that to be 10 years.

2 Anything else?

3 MR. KAUFMAN: No, Your Honor.

4 THE COURT: Let the sentence be imposed as stated.

5 Mr. Coleman, you can appeal your conviction and your
6 sentence. Any Notice of Appeal must be filed within 14 days
7 from the entry of judgment. If you are unable to pay the cost
8 of an appeal, you may apply for leave to appeal with no cost
9 to you. And if you request, the Clerk of Court will prepare
10 and file a notice of appeal on your behalf.

11 I recommend that you talk to your attorney about
12 these appeal rights, but do you understand these rights as
13 I've just explained them to you?

14 DEFENDANT COLEMAN: Yes.

15 THE COURT: Anything further from either side?

16 MR. KAUFMAN: No, Your Honor.

17 MR. AUS: No, Your Honor.

18 THE COURT: Then this matter is concluded.

19 Mr. Coleman is remanded to the custody of the
20 Marshals at this time.

21 (The matter is concluded at 9:44 a.m.)

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NORTH CAROLINA
3 CERTIFICATE OF OFFICIAL REPORTER

4 I, Laura Andersen, Federal Official Court Reporter,
5 in and for the United States District Court for the Western
6 District of North Carolina, do hereby certify that pursuant to
7 Section 753, Title 28, United States Code that the foregoing
8 is a true and correct transcript of the stenographically
9 reported proceedings held in the above-entitled matter and
10 that the transcript page format is in conformance with the
11 regulations of the Judicial Conference of the United States.

12 Dated this the 16th day of April, 2014.

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14
15 S/Laura Andersen
16 Laura Andersen, RMR
17 Federal Official Court Reporter
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